

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
101 W. WASHINGTON STREET, SUITE 1500E
INDIANAPOLIS, INDIANA 46204-3407

<http://www.in.gov/iurc>
Office: (317) 232-2701
Facsimile: (317) 232-6758

February 17, 2009

Dear Industry or Consumer Representative:

House Enrolled Act (HEA) 1279, which became law in March 2006, resulted in significant changes in the regulation of communications services in Indiana. In addition to the many changes that were already implemented, HEA 1279 also outlined specific changes that must be implemented by July 1, 2009. The general focus of these changes is to increase parity in the regulatory treatment of providers of communications services and to streamline regulation by removing unnecessary requirements.

In preparation for July 1, 2009, the Indiana Utility Regulatory Commission Communications staff has examined the relevant sections of HEA 1279 and developed recommended changes to the Commission's policies, rules, and procedures necessary to meet these statutory directives. The changes that are recommended are outlined below and further details are contained in the enclosed attachments. The Commission invites interested parties to provide written comments and suggestions regarding these recommendations.

Communications Service Provider Certification

While historically different types of communications providers have faced varying regulatory requirements and differing Commission policies and procedures, I.C. 8-1-32.5 mandates a single type of Certificate of Territorial Authority (CTA) to operate as a Communication Service Provider (CSP) after June 30, 2009. The attached strawman CTA forms (Attachment 1) reflect the Commission Staff's attempt to formulate a single set of instructions and forms (an initial application form and a separate notice of change form) to be used by CSPs to apply for or modify a CTA.

As part of the proposed changes to the CTA application process, Staff recommends a modification to the Commission's Ex Parte rule to allow streamlined communications between Staff and CSP applicants. This will facilitate and expedite the review of these applications.

Tariffs

I.C.8-1-2.6-13(e) states that after June 30, 2009, the Commission does not have jurisdiction over, rates and charges for CSPs including the filing of tariffs. Therefore, generally, tariffs for rates and charges for basic and non-basic service will no longer be required; however, there are exceptions:

ETC Tariffs

After June 30, 2009, CSPs that are Eligible Telecommunications Carriers (ETCs)/ Providers of Last Resort (POLR) will still need to maintain a tariff for a flat-rate Basic Service Offering as required by federal law. The IURC is tasked with the ETC certification process, and this will facilitate that process.

Access Tariffs

Pursuant to HEA 1279, local exchange carriers are still required to file access tariffs with the IURC. Staff recommends the establishment of an optional streamlined process for those filings. In Cause Number 43262, the IURC granted AT&T Indiana instant mirroring of its interstate access charges when no intrastate exceptions are requested. Staff recommends that all local exchange carriers be given the option to use this same process. This recommendation does not affect the 30-day filing process for other types of access charge filings.

Tariffs for Other Services

Under HEA 1279, the IURC retains jurisdiction over certain services and the rates associated with those services. Tariffs for those services indicating rates set by IURC orders will still be required. (e.g. Rates charged by ILECs to payphone providers.) Staff recommends modification of GAO 1998-2 to reflect the need for companies to provide current links to all tariffs that continue to be required.

T-7 Tariff

The T-7 tariff has been used in the past as a repository for pricing information and terms and conditions of services offered by all Incumbent Local Exchange Carriers (ILEC). Staff believes that it remains the appropriate vehicle for housing uniform requirements that apply to multiple providers. Therefore, Staff recommends maintaining the sections of the T-7 tariff dealing with Low-Income Programs, Indiana Universal Service Fund and Dual-Party Relay Service, while eliminating all remaining sections of the tariff.

Elimination of Rules and Policies

I.C. 8-1-2.6-4.1 requires the IURC to "...identify and eliminate rules or policies concerning telecommunications service and telecommunications service providers if they are no longer necessary, in the public interest, or for the protection of consumers."

IURC Annual Report

Consistent with this requirement, Staff proposes the elimination of the Annual Report filing requirement for communications providers. Staff determined that the majority of the information in the Annual Report is no longer necessary to be collected annually. Staff identified access lines in service by customer type and intrastate income statement information (e.g. intrastate network access service revenue) as data that shall be required from Local Exchange Carriers and shall be collected as part of the Annual Communications Survey beginning with the survey due in 2009. (Attachment 2)

Indiana Administrative Code

Additionally, staff has extensively reviewed the Commission's administrative rules to identify those that "are no longer necessary, in the public interest, or for the protection of consumers". Staff's recommendation regarding the elimination, retention, or modification of the IURC's rules pertaining to Communications providers is reflected in the attached table. (Attachment 3)

Once again, the Commission anticipates your written comments and suggestions regarding these recommendations. It is our hope that collaboration with the industry will result in a better end result.

Please submit your comments no later than **March 9, 2009** to:

IURC Communications Division
National City Center
101 W. Washington Street, Suite 1500 E.
Indianapolis, IN 46204-3407

Sincerely,



Pamela D. Taber

Director Communications Division

Instructions for the Application for a Communications Service Provider (CSP)
Certificate of Territorial Authority and for a Notice of Change

Pursuant to I.C. 8-1-32.5, a Communications Service Provider that seeks to offer communications service to Indiana customers after June 30, 2009 must apply to the IURC for a certificate of territorial authority.

Definitions

Communications service provider (I.C. 8-1-32.5-4) - A person or entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of Commercial Mobile Radio service (CMRS) as defined in 47 U.S.C. 332.

Communications Service (I.C. 8-1-32.5-3) refers to any of the following:

- (1) Telecommunications service as defined in 47 U.S.C. 153(46)
- (2) Information service as defined in 47 U.S.C. 153(20).

The term includes:

- (1) Video service
- (2) Broadband service
- (3) Advanced services
- (4) Internet protocol enabled service

A communications service provider that has an existing certificate of territorial authority or a certificate of public convenience and necessity issued before July 1, 2009, and in effect on July 1, 2009, is not required to submit an application under this section for as long as the certificate remains in effect. However, if the communications service provider provides or plans to provide communications services, as defined above, other than those for which it holds an existing CTA, it should file with the IURC a Notice of Change updating the CTA. The Notice of Change should include the required information regarding the other service(s). (See Notice of Change Procedures on page 3 of this document.)

Requirements for CSP Application

An Application can be obtained from the IURC's website and must include:

- complete responses to the questions on the application form;
- proof of the company's authorization from the Indiana Secretary of State to transact business in Indiana, including registration of any assumed business names;
- the provider's most recent balance sheet or parent company's balance sheet if Indiana specific financial information is not available;
- information attesting to the carrier's managerial and technical qualifications, such as biographies of corporate officers and/or personnel of the company who are key to Indiana operations;
- a description of each service area for which the applicant proposes deployment of the communications services;
- a statement signed, under penalty of perjury, by an officer or another person authorized to bind the provider, that affirms the provider has complied with, or agrees to comply with the criteria set forth under IC 8-1-32.5-6(b)(3); and
- a completed and signed Affidavit.

Applicant shall file an original and five (5) paper copies of its notarized application as well as an electronic copy of the filed document in PDF format. The Commission will assign a Cause Number to the application which will become the Certificate Number upon approval.

Confidential Treatment of Information

If the applicant believes the financial information required to be submitted with the application is confidential in accordance with IC 8-1-2-29 and IC 5-14-3, the applicant should include a sworn statement that describes (1) the nature of the confidential information; (2) the reasons why the information should be treated as confidential information pursuant to IC 8-1-2-29 and IC 5-14-3; and (3) the efforts the applicant has made to maintain the confidentiality of the information. One copy of the confidential financial information should be submitted on light green paper, in a sealed envelope clearly marked confidential, and will be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Ind. Code § 5-14-3.

IURC Review

A summary of the CSP application will be posted on the IURC's website on the first Monday (or first business day if Monday is a legal Holiday) after the application has been filed. If it is evident that the application is not complete, the IURC will have the option of not posting the application summary and will send written correspondence to the applicant enumerating the deficiencies. If the applicant re-files an updated application it will be considered to be a new application.

Once the application summary is posted, it will be assigned to a communications analyst with the IURC Communications Division for a more detailed review to ensure completeness, accuracy and the adequacy of the information filed. Notice of the application shall be posted on the Commission website for 30 days. The Commission will issue an order after completion of the 30-day posting period if a formal hearing is not requested and once any questions from the Commission are answered.

Hearings

The Commission shall hold an evidentiary hearing if one is requested during the 30-day posting period by one of the following parties:

- the communications service provider;
- a facilities-based local exchange carrier offering service in a service area identified in the provider's application under IC 8-1-32.5-6(a)(4) of this chapter;
- the OUCC created by 8-1-1.1-2; or
- the Commission on its own motion.

When an evidentiary hearing is requested by one of the above parties, the IURC will conduct a hearing, subject to the requirements for hearing under IC 8-1-2 for public utilities. If this occurs, the ex parte rules will be implemented for this portion of the proceeding.

Notice of Change Procedures

Pursuant to I.C. 8-1-32.5-12, the filing of a Notice of Change in Certificate of Territorial Authority is required if there are subsequent changes to the Certificate of Territorial Authority, such as: 1) a change in ownership operation, control or corporate organization of the provider, including

merger, acquisition or reorganization; 2) changes to the name of the certificated entity or adoption of, or change to, an assumed business name or Indiana d/b/a; 3) a change in the provider's principal business address; 4) any sale, lease, or transfer of the CTA to another CSP per I.C. 8-1-32.5-10; 5) a relinquishment of the CTA; 6) a change in communications services provided in one or more of the service areas identified in the providers application for Certificate of Territorial Authority (not applicable to CMRS providers); or 7) change in one or more of the service areas identified in the provider's CTA application that would increase or decrease the territory within the service area.¹

How to File a Notice of Change Form

The Notice of Change form can be found on the Commission's website at <http://www.in.gov/iurc/2400.htm> and must include complete responses to the questions on the form regarding the applicable change(s) and a copy of the Certificate of Authority from the Indiana Secretary of State in the case of a change in legal or assumed name.

Applicant shall file an original and two (2) paper copies of its Notice of Change as well as an electronic copy of the filed document in PDF format or use the Commission's procedures for electronic filing which will be implemented in the next few weeks. (Check the Commission's website for more information on electronic filing.) The notice must be filed with the Commission at least thirty (30) days prior to the effective date of the change. The Communications Division shall assign the notice a tracking number and process the filing as a non-docketed case. A summary of the Notice of Change shall be posted on the Commission's website for 30 days. The Communications Division shall issue a letter acknowledging the notice after completion of the 30-day posting period if a formal hearing is not requested and once any questions from the Communications Division are answered.

A CTA Application or a Notice of Change should be submitted to:

Indiana Utility Regulatory Commission
Communications Division
National City Center
101 West Washington Street
Suite 1500 East
Indianapolis, IN 46204

Please note that the electronic filing system may be used for a Notice of Change, however, the IURC is not able to accept CTA applications via the electronic filing system.

Notice of the receipt of an Application or Notice of Change will be posted to the Commission website at: <http://www.in.gov/iurc/2337.htm>

Questions should be directed to the Communications Division at (317) 232-5559.

¹ Telecommunications Providers of Last Resort must comply with I.C. 8-1-32.4 et seq.

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**INDIANA UTILITY REGULATORY COMMISSION
APPLICATION FOR A CERTIFICATE OF TERRITORIAL AUTHORITY FOR
COMMUNICATIONS SERVICE PROVIDERS**

Applicants are required to file an original and five paper copies and an electronic copy in PDF format.

Cause No. _____ *(IURC use only)*

PURSUANT TO IC 8-1-32.5-4, A "COMMUNICATIONS SERVICE PROVIDER" MEANS A PERSON OR ENTITY THAT OFFERS COMMUNICATIONS SERVICE TO CUSTOMERS IN INDIANA, WITHOUT REGARD TO THE TECHNOLOGY OR MEDIUM USED BY THE PERSON OR ENTITY TO PROVIDE THE COMMUNICATIONS SERVICE. THE TERM INCLUDES A PROVIDER OF COMMERCIAL MOBILE RADIO SERVICE (AS DEFINED IN 47 U.S.C. 332).

List each type of Communications Service which applicant proposes to offer in Indiana:

☐ **TELECOMMUNICATIONS SERVICE AS DEFINED IN 47 U.S.C. 153(46)**

Please list each type of service, such as facilities-based local exchange; bundled resale of local exchange; commercial mobile radio service; interexchange; operator services or other.

☐ **INFORMATION SERVICE AS DEFINED IN 153(20), WITHOUT REGARD TO THE TECHNOLOGY OR MEDIUM USED TO PROVIDE THE COMMUNICATIONS SERVICE.**

Please list each type of service, such as internet protocol enabled services; broadband service; advanced service (as defined in 47 CFR 51.5); or other.

☐ **VIDEO SERVICE AS DEFINED IN IC 8-1-34-14** (a Video Service Provider which does not have a current Video Service Franchise for the service area described below must also obtain a franchise as specified in IC 8-1-34-16)

I. Applicant Contact Information

A. Legal Name of Company: _____

B. Name (s) under which the company will be marketing services in Indiana:
(Company names, including any "doing business as" must be registered with Indiana Secretary of State)

C. Company Address: _____

Main Telephone Number: _____ FAX Number: _____

E-mail Address: _____

Website Address: _____

CSP CTA Application

D. Parent Company's Legal Name, Address, and Telephone Number (if applicable):

E. Name, title, and other contact information of company's contact person for ongoing communications with the commission (including regulatory affairs and/or customer service information):

Name and Title _____
Telephone Number: _____ FAX Number: _____
Mailing Address: _____
Email Address: _____

F. Name, title, and other contact information of attorney or contact person for this application, if different from E. above:

Name and Title _____
Telephone Number: _____ FAX Number: _____
Mailing Address: _____
E-mail Address: _____

II. Service Information

(add additional sheets if necessary to answer the questions below)

A. Please describe the area(s) for which the applicant seeks authority.

B. Please provide a description of each service area in Indiana in which the applicant initially proposes to offer communications service (i.e., county, city or rate center). If CMRS provider, please provide proposed MTA(s).

C. Please provide a description of each type of communications service that the provider proposes to offer in each of the service areas identified in II B. above. The services listed should be consistent with the services marked at the top of Page 1.

D. For each type of service identified in C, please list whether the communications service will be offered to residential customers, business customers or both.

E. Please provide an estimated date of deployment (year and quarter) for each service area and each service type within that area for which the applicant seeks authority. The services listed should be consistent with the services marked at the top of Page 1.

F. Will applicant offer stand alone basic telecommunications service for a flat monthly rate pursuant to IC 8-1-2.6-0.1?

CSP CTA Application

- G. Does the applicant seek authorization to provide facilities-based local exchange? _____
- H. Does the applicant seek authorization to offer interexchange services only? _____
- I. Does the applicant seek authorization to provide commercial mobile radio service? _____
- J. Will the applicant operate as a Local Cooperative Corporation pursuant to IC 8-1-17-3?

If yes, please submit 3 original articles of incorporation as required by IC 8-1-17-5 *et seq.*

- K. Please list other states in which applicant is authorized to provide communications services and the type of services offered.
- _____
- _____
- _____

III. Additional Requirements

Applicant further represents that it will:

- Comply with Indiana law (including but not limited to Title 8 of the Indiana Code) and IURC regulations (170 IAC 7) and applicable current and future Orders of the IURC.¹
- File intrastate access tariffs, concurrences, and exceptions pursuant to the Commission's filing procedures and provide informational copies of interstate access tariffs.
- Provide the Commission with current and updated/corrected hyperlinks to the company's intrastate and interstate access tariffs, concurrences, and exceptions.
- Notify the Commission of any change in the legal name, address, control or status of the CTA, or service area, pursuant to I.C.8-2-32.5(12) using the CSP Notice of Change Form prescribed by the Commission. Such notification of change shall be provided to the Commission thirty (30) business days prior to the occurrence of the change.
- Upon request, provide any other information the Commission is authorized to collect from a communications service provider under state or federal law pursuant to I.C. 8-1-2.6-13(9)(E).

¹ Telecommunications Service Providers and Video Service Providers are subject to enforcement remedies for prohibited actions pursuant to IC 8-1-29.5.

IV. Attachments

The following information must be included with this application:

1. Applicant's certification from the Secretary of State authorizing the applicant to do business within the State of Indiana.
2. Information demonstrating the financial, managerial and technical ability to provide each communication service identified in the application.
 - a. The applicant's most recent financial statement or balance sheet or that of the parent company if separate Indiana operations have not yet been established.
 - b. Biographies of the applicant's corporate officers responsible for Indiana indicating managerial and technical qualifications.
3. A statement signed under penalty of perjury by an officer or another person authorized to bind the applicant (see attached affidavit).
4. Applicant represents that it will, at the time requested by the commission, provide an annual report, concerning communications services offered in each service area (county and zip code) in Indiana as required by 8-1-2.6-13(d)(9)(C) Note: This does not apply to CMRS providers.

Although an evidentiary hearing before the Commission is not required, the Commission shall hold an evidentiary hearing, if one is requested pursuant to IC 8-1-32.5-9(a). Any hearing shall follow the statutory provisions of IC 8-1-32.5-9(b).

V. Application Verification

I affirm under the penalties of perjury that the above representations made in this application are true.
(Must be signed by an officer of the company)

Signature and Date

Name and Title (printed or typed)

VI. AFFIDAVIT²

As an authorized corporate officer or person authorized to bind

_____ (applicant/company name), I,

_____ (print name), affirm under penalty of perjury
that:

a) the applicant has filed or will timely file with the Federal Communications Commission ("FCC") all forms required by the FCC;

b) the applicant agrees to comply with customer notification requirements of the Commission pursuant to Indiana Code 8-1-32.5-6(b)(3)(B) and 8-1-32.5-11(b) (not applicable to CMRS providers per Indiana Code 8-1-32.5-11(b));

c) the applicant (including CMRS providers³) agrees to update the information provided in the application on a regular basis pursuant to Indiana Code 8-1-32.5-12;

d) the applicant agrees to notify the Commission when the applicant commences offering communications service in each service area identified in the application;

e) the applicant agrees to pay any lawful rate or charge for switched and special access services, as required under any:

- applicable interconnection agreement; or
- lawful tariff or order approved or issued by a regulatory body having jurisdiction.

f) the applicant agrees to report, at the time requested by the Commission, information required under Indiana Code 8-1-2.6-13(d)(9) et seq.; and

g) applicant further represents that it will provide an annual report concerning communications services offered in each service area (county, zip code and census tract) in Indiana as required by Indiana Code 8-1-2.6-13(d)(9)(C). (Not applicable to CMRS providers per Indiana Code 8-1-2.6-13(d)(9).

(Signature)

(Title)

(Date)

² See Indiana Code 8-1-32.5-6(b)(3).

³ There is an exception in Indiana Code 8-1-32.5-12(6) to the information that CMRS providers must provide. This exception does not apply to the other subsections in 8-1-32.5-12.

Subscribed and Sworn to before me, a Notary Public, this _____ day of _____,
A.D. 20_____

Signature

Printed Name

My Commission Expires: _____

My County of Residence: _____

CSP CTA Notice of Change

INDIANA UTILITY REGULATORY COMMISSION
VERIFIED NOTICE OF CHANGE IN A CERTIFICATE OF TERRITORIAL AUTHORITY TO
PROVIDE COMMUNICATIONS SERVICES WITHIN THE STATE OF INDIANA
As addressed in I.C. 8-1-32.5-12

Applicants should file two paper copies of each form with supporting documentation and one unofficial electronic copy in PDF format on disk.

Tracking No.: _____ (IURC use only)

To the Communications Division of the Indiana Utility Regulatory Commission (IURC):

(Company Name)

hereby notifies the IURC of a change in the Certificate of Territorial Authority (CTA) to provide (Please list the types of communications services currently authorized in Indiana):

Authorized under Cause No(s).: _____ dated _____.

Please list the service territory or territories being affected by this notice of change:

REASON FOR CHANGE IN CTA STATUS

The change being noticed herein by Applicant relates to:
(Please check all boxes and complete all blanks that apply, and attach any supporting documents.)

1. ☐ **Change in Ownership, Operation, Control or Corporate Organization of the Provider, including Merger, Acquisition or Reorganization.**

Please provide a description of transaction: _____

Effective Date: _____

2. ☐ **Name change or an adoption of or change to an assumed business name or change in parent company name, etc.**

- a) Existing name: _____
- b) New name: _____
- c) d/b/a: _____

For name change, please provide the following: (attach additional sheets as necessary)

- The reason for the name change or d/b/a and the effect on the operations and/or the utility's customers.
- A certified copy of the amended certificate of authority or certificate of assumed business name issued by the Indiana Secretary of State.
- Method by which the company's customers were or will be notified of the proposed name change or assumed name to alleviate customer confusion and prevent baseless slamming complaints (**attach copy of bill insert, notice, etc.**)

3. ☐ **Change in Provider's Principal Business Address or Change of the Person Authorized to Receive Notice on Behalf of the Provider**

Name and Title _____

Telephone Number: _____ FAX Number: _____

Mailing Address: _____

Email Address: _____

4. ☐ **Sale, Assignment, Lease or Transfer to:**

Company Name and Indiana d/b/a: _____

Mailing Address: _____

5. ☐ **Relinquishment of Certificate**

NOTE: NOT APPLICABLE TO TELECOMMUNICATIONS PROVIDER OF LAST RESORT PURSUANT TO I.C. 8-1-32.4

Reason for CTA Relinquishment: _____

CSP CTA Notice of Change

(Attach additional sheets as necessary)

- a. Please identify any other CTA(s) currently held by Applicant -- by Cause No., type and date issued — that will be retained.

- b. For each service for which Applicant is relinquishing its CTA, please provide the number of residential and business customers that Applicant currently serves.

- c. For each service for which Applicant is relinquishing its CTA, please provide the method by which Applicant's customers were notified that Applicant is relinquishing its CTA and provide sample notice if applicable.

- d. For each service for which Applicant is relinquishing its CTA, how much time will Indiana customers have to find a new provider after receipt of notice before Applicant's operations cease? To the extent your answer varies by service territory or location, please provide a clear, detailed response.

6. ☐ **Change in one or more of the service areas identified in the provider's CTA application that would increase or decrease the territory within the service area.¹**

(Attach additional sheets as necessary)

7. ☐ **Change in type of Communications Service provided in one or more of the service areas identified in the provider's application for Certificate of Territorial Authority (not applicable to CMRS providers).**

Please list the types of communications services you **propose** to offer in Indiana (e.g. facilities-based local exchange; bundled resale of local exchange; commercial mobile radio service; interexchange; operator services; internet protocol enabled services; broadband service; advanced service; **video service*** or other).

***Note:** If applicant intends to offer video service and does not have a current Video Service Franchise for the service area the applicant must obtain a franchise as specified in I.C. 8-1-34-16.

¹ Providers of Last Resort may not use this process to reduce service territory. Providers of Last Resort must use the process specified in I.C. 8-1-32.4.

CSP CTA Notice of Change

- a. Please describe the area(s) for which the applicant proposes to provide the new or changed services listed in 7 above (i.e., county, city or rate center).

- b. For each type of service identified in 7, please list whether the communications service will be offered to residential customers, business customers or both.

- c. If applicant proposes offering new services, please provide an estimated date of deployment (year and quarter) for each service area and each service type within that area for which the applicant seeks authority. The services listed in this response should be consistent with the services listed in 7.

- d. Does the applicant propose to offer facilities-based local exchange?

- e. Will applicant offer stand alone basic telecommunications service for a flat monthly rate per IC 8-1-2.6-0.1?

- f. Will applicant offer interexchange services only? _____

- g. Does the applicant seek authorization to provide commercial mobile radio service?

CSP CTA Notice of Change

Designated Regulatory or Customer Service Contact Information

Include name, title, mailing address, phone & fax numbers, and e-mail address for the designated regulatory or customer service contact person responsible for ongoing communications with the Commission:

Designated Contact Information for this Notice of Change (if different than above)

Include name, title, mailing address, phone & fax numbers, and e-mail address for the designated contact person for this Notice of Change (if different than the general regulatory or customer service contact information listed above).

Verification

I affirm under penalties of perjury that the foregoing representations are true.

Officer's Name & Title _____

(Printed)

Signature _____ Date _____

Phone Number _____

Acknowledged by the IURC:

Notice of Change No. _____ **Date:** _____

Indiana Utility Regulatory Commission Communications Survey

This survey form and the accompanying cover letter may be downloaded from the IURC's website:
http://www.in.gov/iurc/telecom/survey_index.html

For questions contact:
Brandy Darlington, Tariff Administrator
317-232-5559
bdarlington@urc.in.gov

Part I. Operating Company Data - ALL COMPANIES MUST COMPLETE

Operating Company Name (per CTA or Sec. of State's Office): _____

Indiana d/b/a: _____

Contact Person: _____

Title: _____

E-Mail Address: _____

Tele: _____



If you did not provide at least one of the following services (as defined below for Parts II, III, and IV), please proceed directly to Part V - Data Verification Signature Page. If you provided any of the services below, please check the appropriate box and complete the appropriate Part/section indicated below:

1. ☐ **Telecommunications Services - COMPLETE PART II.** ALL local exchange providers shall provide Indiana specific information for the access line and Income statement information. If the IN specific information is not available, please indicate this in the space allotted and provide the information that is available.
2. ☐ **Video Services as defined in IC 8-1-34 in 2008 - COMPLETE PART III.** Video Services means 1) the transmission to subscribers of video programming and other programming service; A) through facilities located at least in part in a public right-of-way; and B) without regard to the technology used to deliver the video programming or other programming service; and 2) any subscriber interaction required for the selection or use of the video programming or other programming services.
3. ☐ **Facilities-Based Broadband Connection Service in 2008 - COMPLETE PART IV.A. and PART IV.B.** This means the ability of an end user to receive information from, and/or send information to, the Internet at transfer rates exceeding 200 Kbps in at least one direction. As defined here, such a broadband connection is enabled by both a pathway (e.g., licensed spectrum, copper wire, optical fiber, coaxial cable, hybrid fiber-coaxial cable, electrical wire, etc.) and equipment that determines the throughput of that connection (e.g., radio receiver, DSLAM, DOCSIS equipment). One "end" of the pathway terminates at a subscriber's residential end user premises (for a subscriber to a facilities-based WIRED service), or at a "mobile wireless broadband device" (for a subscriber to a facilities-based MOBILE WIRELESS service.) The other "end" of the pathway terminates at the location (e.g., cell tower and associated "electronics", central office, headend, etc.) of the equipment. The pathway and equipment must actually have been deployed, and the broadband service must actually have been offered for sale to end user customers, in Indiana during 2007.

4. ALL COMPANIES MUST COMPLETE PART V - DATA VERIFICATION SIGNATURE PAGE

Part II. "Telecommunications Services"

1. Please provide the following Information based on End of Year Data:

INTRASTATE ACCESS LINES IN SERVICE BY TYPE OF LINE

	Switched Access Lines						
	Business Access Lines						
State (a)	Single Line (b)	Multi Line (c)	Public Access Lines (d)	Residential Access Lines (e)	Mobile Access Lines (f)	Special Access Lines (Non-Switched) (g)	Total Intrastate Access Lines (Switched & Special) [SUM of (b) through (g)]
Indiana							

2. Please provide the following Income Statement Information for Indiana Intrastate operations:

Is data IN Specific? (Yes or No?)	
-----------------------------------	--

Intrastate Revenue

Total Operating Revenue	
Total Non-Operating Income and Expenses	
Net Operating Revenue	

Intrastate Network Access Service Revenue

End User (SLC) Revenue	
Switched Access Revenue	
Special Access Revenue	
Total Network Access Revenue	

Universal Service Support Revenue

TOTAL Federal Universal Service Fund Support Revenue (High Cost Support)	
TOTAL Indiana Universal Service Fund (IUSF) Support Revenue	

Intrastate Expenses

Operating Expenses	
Depreciation Expense	
Income Taxes	

Intrastate Taxes Other Than Income

Property Tax	
Utility Receipts Tax	
Payroll Taxes (FICA etc.)	
Other Taxes	
Total Operating Expenses	

Net Income	
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Code	Subject	Jurisdiction	Staff Rec.
170 IAC 1-1.5-1	Ex Parte Communication	NA	Modify to permit staff to ask questions in CTA application proceedings.
170 IAC 7-1.1-19	Unauthorized switching of telecommunications providers; billing for telecommunications or other services added without customer's consent.	I.C. 8-1-2.6-13(d)(4)	Retain
170 IAC 7-1.2	Service Quality Standards; Standards of Service		
7-1.2-1	Applicability of standards; variance; scope; severability - determines carriers subject to rules and scope of rules.	NA	Modify (to reflect reduced scope of section)
7-1.2-2	Definitions - defines terms in section.	NA	Modify (to reflect reduced scope of section)
7-1.2-3	Records and Reports - Requires LECs to furnish the commission with information concerning facilities and operations upon commission request and permits commission staff to visit LEC offices.	I.C. 8-1-2.6-1.5(b) and 8-1-2.6-2(b)(1)(A)(i)	Retain subsection f requiring maintenance of maps and records to show toll and exchange facilities. Retain subsection g 2 requiring LEC notification of PSAP during 911 service outages.
7-1.2-4	Tariffs, maps of service areas - requires LECs to file tariffs and service area maps with the commission.	I.C. 8-1-2.6-13-5	Modify to apply to ETCs/Providers of Last Resort only
7-1.2-5	Safety Standards - requires LEC's plant and facilities to be designed and maintained in compliance with National Electric Safety Code. Requires each LEC to exercise due care to reduce hazards to employees and the public.	I.C. 8-1-29.5-6	Retain only subsection 5(b) general language on safety. Eliminate remainder of section.
7-1.2-6	Operator Services - requires each LEC that provides operator services to adopt suitable practices and provide prompt, courteous, accurate and efficient services. Requires OS providers to comply with state and federal laws concerning privacy of telecommunications and to provide access to directory assistance.	I.C. 8-1-2.6-13(e)(5)	Eliminate

Code	Subject	Jurisdiction	Staff Rec.
7-1.2-7	Response to Commission Staff Inquiries - Each LEC shall fully and promptly answer all inquiries received from commission staff.	I.C. 8-1-2.6-13(d)(9)(E)	Modify for regulatory parity
7-1.2-8	Telephone Directories, white pages - imposes standards on LECs that publish telephone directories or contract to have directories provided to their customers.	I.C. 8-1-2.6-13(e)(5)	Eliminate
7-1.2-9	Availability of Service - provides standards for LEC's central office and outside plant. Establishes reasonable times for LECs to serve customers.	IC 8-1-2.6-13(d)(5) See also CFR 47 Part 54.2002(a)(1)	Modify for ETCs/Providers of Last Resort only. Language should mirror federal requirements for ETCs.
7-1.2-10	Extension of facilities - requires each LEC to file tariffs on its terms and conditions for extension of facilities to customer within its certified territories.	I.C. 8-1-2.6-13(e)(5)	Eliminate
7-1.2-11	Grade of Service - establishes a minimum grade for local exchanges services, such as access to emergency services and directory assistance, and single-party service.	IC 8-1-2.6-13(d)(5) See also 47 CFR 54.101	Modify for ETCs/Providers of Last Resort. Should mirror FCC rules and have flexibility for federal changes in USF definition.
7-1.2-12	Maintenance of plant equipment - requires each LEC to adopt and pursue a maintenance program aimed at achieving efficient operation of systems so as to permit safe, adequate and continuous service at all times. Requires notification of customers whose service is expected to be interrupted. Notify customers when large groups of numbers are changing. Requires the installation of NIDs during premise visits, if not already equipped.	I.C. 8-1-2.6-13(e)(3)	Eliminate

Code	Subject	Jurisdiction	Staff Rec.
7-1.2-13	Trouble Reports - requires each LEC to provide for the receipt of trouble reports 24 hours a day, 7 days a week. Classifies trouble reports as "out of service" or "service affecting" and set metrics for correcting trouble reports. Bill credits are required if LEC fails to restore service to a customer within 24 hours.	I.C. 8-1-2.6-13(e)(3)	Eliminate
7-1.2-14	Adequacy of Service - requires each LEC to provide or otherwise arrange for the use of switching equipment, trunking, and associated facilities for the handling of the LECs local traffic within its service territory. Sets metrics to avoid all-trunk busy condition or no-circuit condition.	I.C. 8-1-2.6-13(e)(3)	Eliminate; however, consider transferring general language of subsection (a) to 7-1.2-9 - Availability of Service.
7-1.2-15	Transmission requirements - requires local networks to be designed and operated to reduce transmission loss and noise.	I.C. 8-1-2.6-13(e)(3)	Eliminate
7-1.2-16	Answering Times - establishes the average speed of answering times for calls to LECs repair center, business office, local service operator and directory assistance operators.	I.C. 8-1-2.6-13(e)(3)	Eliminate
7-1.2-17	Intercept Services - requires LECs to provide intercept service for office codes assigned to the LEC for the following: nonworking numbers to a vacant code announcement; changed number intercept services; when an emergency service number is replaced by 9-1-1; and when capital improvements necessitate changing customers' numbers.	I.C. 8-1-2.6-13(e)(3)	Eliminate
7-1.2-18	Emergency Operations - requires LECs to provide battery back-up in the event of electrical failures and emergencies.	IC 8-1-2.6-13(d)(5) See also CFR 47 54.2002(a)(2)	Modify to apply to ETCs/Providers of Last Resort only.

Code	Subject	Jurisdiction	Staff Rec.
170 IAC 7-1.3	Telecommunications Customer Service Rights and Responsibilities		
7-1.3-1	Purpose and Scope - determines utilities subject to this section.	NA	Modify for reduced scope.
7-1.3-2	Definitions - defines terms in section.	NA	Modify for reduced scope.
7-1.3-3	Creditworthiness of residential customer; deposit; refund - requires each LEC to determine the creditworthiness of applicants or customers in an equitable and nondiscriminatory manner, solely upon credit risk of applicant without regard to collective credit reputation of area and sets limits on deposit requirements.	I.C. 8-1-2.6-13(e)(5)	Eliminate
7-1.3-4	Rejection of Application - sets standards for when an application for service can be rejected.	I.C. 8-1-2.6-13(e)(5)	Eliminate
7-1.3-5	Explanation of available service; notice of proposed rate change - requires each utility to supply each customer a brief summary of the customer's rights and responsibilities contained in this rule and requires each utility to furnish notice of rate increases to its affected customers.	I.C. 8-1-2.6-13(e)(5)	Eliminate; however, the commission may require a CSP to provide their customers with notice of rate increases as a condition of their CTA pursuant to I.C. 8-1-32.5-11(b). If the commission chooses to prescribe this notification requirement, it must be in a rule of general application under I.C. 4-22-2.
7-1.3-6	Bills for utility services - sets standards for bills for telephone service; requires charges and taxes to be itemized; clear identification of past due dates.	I.C. 8-1-2.6-13(f)(1)(B). See also FCC Docket 98-170 Released March 29, 2000 or CFR 47 64.2400 & 64.2401	Modify -FCC requires this for all common carriers except wireless has some exemptions. Necessary to enforce slamming and cramming regulations.

Code	Subject	Jurisdiction	Staff Rec.
7-1.3-7	Billing Adjustments - requires carriers to adjust a disputed non-deniable charges and billing errors from the known date of error or 18 months, whichever is shorter.	I.C. 8-1-2.6-13(d)(4) and 8-1-2.6-13(f)(1)(B). See also FCC Docket 98-170 Released March 29, 2000 or CFR 47 64.2400 & 64.2401	Modify - This is necessary to protect consumers who file complaints with Commission and ties in with 7-1.3-9.
7-1.3-8	Customer Complaints to the Utility - established procedures for utilities to take complaints from customers and treatment of disputed bills.	I.C. 8-1-2.6-13(e)(5)	Eliminate
7-1.3-9	Customer complaints to the commission - establishes procedures for customers to complain to consumer affairs.	I.C. 8-1-2.6-13(d)(4)	Modify - This is necessary for slamming and cramming complaints.
7-1.3-10	Customer Payments - requires LECs to workout reasonable payment agreements with residential customers who cannot pay an undisputed bill in full.	I.C. 8-1-2.6-13(e)(5)	Eliminate
7-1.3-11	Disconnections and prohibited disconnections Procedures for disconnections by customer request or disconnections by LEC for nonpayment and necessary notice to customers.	I.C. 8-1-2.6-13(f)	Eliminate except 7-1.3-11(c)(4) which protects customers from disconnection when complaint is pending.
7-1.3-12	Reconnection - states that LECs may charge a reasonable reconnection charge and establishes time frames for reconnection of customers who request it.	I.C. 8-1-2.6-13(e)(1)	Eliminate
170 IAC 7-1.4	Customer notification required when a telecommunications service provider communicates with a residential customer about changing from basic to non-basic	This rule expires July 1, 2009	Expires on June 30, 2009
170 IAC 7-2.1	Classification of Accounts for Class A and Class B Telephone Companies	I.C. 8-1-2.6-13(d)(5)	Retain

Code	Subject	Jurisdiction	Staff Rec.
7-2.1-1	Uniform System of Accounts for Class A & Class B companies; adoption by reference - requires classification of accounts for Class A and B telephone companies as prescribed by the FCC.	I.C. 8-1-2.6-13(d)(5). See also 47 CFR Part 32	Retain
7-2.1-2	Amendments to uniform system of accounts for class A & B companies - defines classifications for inside wire maintenance, outside cables, costs of pipes.	I.C. 8-1-2.6-13(f)(1)	Eliminate
170 IAC 7-5	Small Local Exchange Carriers		
170 IAC 7-5-1	Policy - establishes procedures for requests for new depreciation or revised depreciation rates by small LECs.	IC 8-1-2.6-13(e)(2)	Eliminate
7-5-2	Definitions - defines terms in section.	IC 8-1-2.6-13(e)(2)	Eliminate
7-5-3	Request for Depreciation Rates - establishing process for filing request for depreciation rates.	IC 8-1-2.6-13(e)(2)	Eliminate
7-5-4	Remaining Life Rate Development - establishes formula for remaining life of depreciation rates.	IC 8-1-2.6-13(e)(2)	Eliminate
7-5-5	Effective date of depreciation rates - establishes effective date for depreciation rates.	IC 8-1-2.6-13(e)(2)	Eliminate
7-5-6	Public Notice - establishes notice requirements for request for depreciation rates.	IC 8-1-2.6-13(e)(2)	Eliminate
7-5-7	Approval of Depreciation Rates - Approval procedures	IC 8-1-2.6-13(e)(2)	Eliminate
7-5-8	Review of ARL and FNS% -permits the commission to review ranges for average remaining life and future net salvage	IC 8-1-2.6-13(e)(2)	Eliminate

Code	Subject	Jurisdiction	Staff Rec.
170 IAC 7-6	Disconnection of a Local Exchange Carrier by Another Local Exchange Carrier; Notice of Bankruptcy; Relinquishment of Service; Revocation of CTA		
7-6-1	Policy and Scope - defines scope of section.	IC 8-1-2.6-1.5 et seq.	Retain
7-6-2	Definitions - defines terms in section.	IC 8-1-2.6-1.5 et seq.	Retain -definitions may be changed for regulatory parity in compliance with HEA 1279.
7-6-3	Notice to the commission; notice to customers - establishes notice requirements when a LEC disconnects another LEC.	IC 8-1-2.6-1.5 et seq.	Retain
7-6-4	Notice of Bankruptcy - requires a LEC to notify the commission within 60 days of filing a bankruptcy petition.	I.C. 8-1-2.6-1.5 et seq.	Retain
7-6-5	Relinquishment of Service by LEC - requires a LEC to notify the commission and OUCC 60 days before cessation of service.	I.C. 8-1.2.6-1.5 and 8-1-32.5 (12)	Retain
7-6-6	Revocation of CTA - states that LECs have duty to provide the commission with current contact information, notice under this rule, pay the public utility fee, respond to commission request for information or CTA may be revoked or other penalties may be imposed.	I.C. 8-1.2.6-1.5 and 8-1-32.5-12	Retain
170 IAC 7-7	Expedited Procedure for Resolving Interconnection Disputes Between Telecommunications Carriers - Establishes procedures for resolving interconnection disputes between telecommunications carriers that arise from the Telecommunications Act of 1996, 47 U.S.C. 251.	IC8-1-2.6-1.5(a)(3)	Retain

Note: Indiana Administrative Code sections that are retained may be modified, if necessary, to promote regulatory parity.